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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,316	08/01/2003	Sujal B. Shah	706211US1	3699

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EXAMINER

DINH, TAN X

ART UNIT

PAPER NUMBER

2627

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/632,316	<b>Applicant(s)</b> SHAH ET AL.	
	<b>Examiner</b> TAN X. DINH	<b>Art Unit</b> 2627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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1) The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested;

**CD PLAYER INCLUDING A RESUME FUNCTION.**

2) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

3) (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4) Claims *1,5,6,10 and 11* are rejected under 35 U.S.C. 102(b) as being anticipated by LEE ( US 5,974,008 ).

LEE discloses a method for remembering a last-played position of a recording medium as claimed in claim 1, comprising the step of:

reading an identification number from a medium in a player ( Fig.2, Disk Information Reading Unit 25, figure 3, Disk ID #1 to Disk ID #N );

determining a last-play position of said medium ( Fig.3, Play Position # 1 to Play Position # N );

storing identification number and last-play position in a player memory ( Fig.2, Disk Information Storage Unit 24 ); and

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rereading identification number after re-insertion of medium into player and resuming play at last-play position when identification number corresponds with identification number previously stored in player memory ( Fig.3, The player remember the play position #1 to #N of Disk ID #1 to Disk ID #N ).

Claim 6 add to claim 1 the feature of comparing the disk ID with previously disk ID, if they do not match then begin play the CD at its initial disk position address, which is shown in LEE's figure 6, steps 63 and 67.

System claim 10 is drawn to the apparatus corresponding to the method of using same as claimed in claim 1. Therefore, system claim 10 is rejected for the same reasons of anticipation (obviousness) as used above.

As to claim 11, LEE show the disk ID is stored in media player ( Fig.2, the Disk ID recorded on disks are stored in Disk information storage unit 24 ).

5) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7) Claims 2-5,7-9,12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over LEE (US 5,974,008).

LEE discloses all the subject matter as claimed in claims 2-4, except to specifically show that the identification disk is based on the total number of recorded tracks, total playing time and a pre-selected constant. However, to identify a disk before recording or reproducing process are old and widely used in the art, for example, the disk can be identified by manufacturing identification information recorded on the medium itself, by the total number of recorded tracks and playing time or by any associated data as a function thereof. Therefore, one of ordinary skill in the art at the time of the invention was made would have been motivated to use

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the total recorded tracks and total playing time with any pre-selected constant for identifying the disk as claimed.

As to claim 5, it would have been obvious to use a CD changer in LEE's optical disk player as claimed since the CD changer is old and widely use in the recording and reproducing art.

As to claim 7, the selecting switch for the operation of identifying the disk and resuming to last-played position is inherent in LEE's optical disk player. Further, rejecting of disk is also inherent in every optical disk player ( It is noted that the disk player of LEE capable of detecting the ID of disk and returning the optical head to last-played position after an optical disk is reinserted into disk player, to reinsert the disk, the disk has to be previously ejected ).

Claims 8,9,11-14 are rejected with the same reasons set forth in claims 2-4 above.

8) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

( see form PTO-892 attached herein ).

Applicant is reminded that in amending in response to a rejection of claims ( if the rejection involves with any applicable arts ) the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the

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objection made. Applicant *must also show how the amendments avoid such references and objections.* See 37 CFR § 1.111(c).

9) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN Xuan DINH whose telephone number is (571) 727-7586. The examiner can normally be reached on MONDAY to FRIDAY from 8:00AM to 5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**TAN DINH**  
**PRIMARY EXAMINER**

May 15, 2006